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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,476	03/10/2004	Joshua David Banko	4860.P3250	7410
8791	7590	10/16/2007		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER KAYRISH, MATTHEW	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/798,476

Applicant(s)

BANKO, JOSHUA DAVID

Examiner

Matthew G. Kayrish

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 8/6/2007 have been fully considered but they are not persuasive.

Regarding the arguments to claims 1, 12 and 25, that the cosmetic bezel is not rigidly coupled to the functional bezel, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). In this case, the fact that the cosmetic bezel is removable from the functional bezel is not a basis for patentable differences. Furthermore, the examiner respectfully disagrees that the cosmetic bezel is not rigidly connected to the functional bezel. Column 5, lines 15-30 describe a retaining mechanism and a locking mechanism for retaining the cosmetic bezel in attachment to the functional bezel. They work together to retain the cosmetic bezel in place, and a user that physically unlocks and removes it may only remove the bezel. Therefore, the cosmetic bezel is rigidly coupled to the functional bezel until physically removed. For these reasons, the examiner respectfully disagrees. Claims 1, 12 and 25 remain rejected by Takagi (US Patent Number 5510957). Claims 1-36 remain pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 6, 7, 12, 25, 26 and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Takagi (US Patent Number 5510957).

Regarding claim 1, Takagi discloses:

A slot loading optical disk drive (columns 4 & 5, lines 66-67 & 1-3) bezel assembly coupled to a slot loading optical disk drive including:

A functional bezel (figure 1, item 12) having a first opening (figure 1, item 12d) to receive an optical disk and a first plurality of attachment features (figure 1, item 17a), the functional bezel configured to be coupled to the optical drive (figure 1, item 12 is coupled to item 11);

A disk guide (figure 1, item 12d) coupled to the functional bezel (figure 1); and

A cosmetic bezel (figure 1, item 13) having a second opening (figure 1, item 13b) to receive the optical disk and second plurality of attachment features (figure 1, item 17b), wherein the first opening and second opening are in alignment (column 4, lines 58-65).

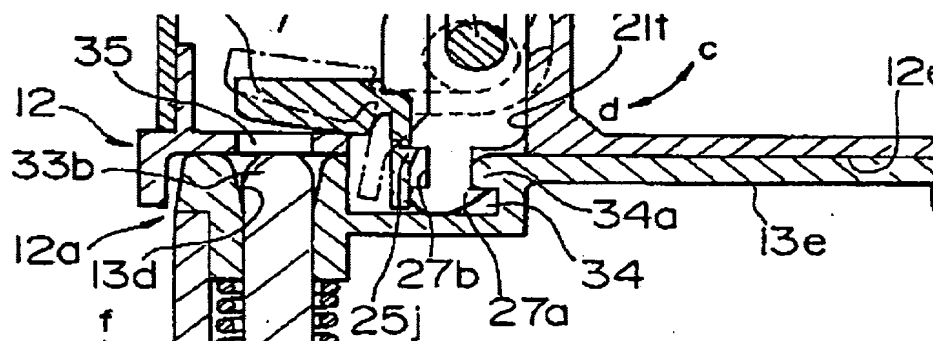
Art Unit: 2627

Regarding claims 2 and 29, Takagi discloses the features of base claims 1 and 25 as stated in the 102 rejections, Takagi further disclosing:

Wherein the functional bezel provides structural rigidity for the optical drive (column 4, lines 40-45, resin is rigid).

Regarding claims 4, 30 and 31, Takagi discloses the features of base claims 1 and 25 as stated in the 102 rejections, Takagi further disclosing:

Wherein the functional bezel includes a plurality of mounting points for mounting the functional bezel to the optical drive (figure 3 below) and for mounting the functional bezel to an enclosure that houses the optical drive (column 4, lines 40-45).



Regarding claims 6 and 32, Takagi discloses the features of base claims 1 and 25 as stated in the 102 rejections, Takagi further disclosing:

Wherein the first plurality of attachment features of the functional bezel matches the second plurality of attachment features (column 5, lines 15-24).

Regarding claims 7 and 33, Takagi discloses the features of base claims 1 and 25 as stated in the 102 rejections, Takagi further disclosing:

A disk guide that facilitates proper attachment of the optical disk into the optical drive (column 4, lines 58-65).

Regarding claim 12, Takagi discloses the features of claim 12 which are in common with those features previously disclosed in claim 1, as stated in the 102 rejection above, Takagi further discloses:

Wherein the slot remains open when a disk is in the optical drive (figure 1, slot remains open).

Regarding claim 25, Takagi discloses the features of claim 25 that are in common with the features previously disclosed in claim 1, as stated in the 102 rejection above, Takagi further disclosing:

An enclosure (figure 1, item 11);

An optical drive coupled to the enclosure (the drive is on the inside, and must be coupled to the enclosure in order to be stabilized within).

Regarding claim 26, Takagi discloses:

The computer system of claim 25, wherein the optical drive is rigidly mounted to the enclosure (internal components must be stabilized).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 9, 11, 13-20, 22, 24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugita et al, in view of Kan-o (US Patent Number 6910217).

Regarding claims 3 and 27, Takagi discloses the features of base claims 1 and 25 as stated in the 102 rejection above, but fails to specifically disclose:

A slot loading optical disk drive bezel assembly comprising a cosmetic screen attached to the cosmetic bezel.

Kan-o discloses:

A slot loading optical disk drive bezel assembly comprising a cosmetic screen attached to the cosmetic bezel (figure 3, item 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a cosmetic screen in the optical drive bezel of Takagi, as taught by Kan-o, because it will remove dust from a disk as it enters the optical drive.

Regarding claims 9, 22 and 28, Takagi discloses the features of base claims 1, 14 and 25 as stated in the 102 rejection above, but fails to specifically disclose:

A cosmetic bezel, which includes a recess configured to receive a cosmetic screen.

Kan-o discloses:

A cosmetic bezel, which includes a recess configured to receive a cosmetic screen (figure 13, item 24 has a recess for item 4).

Art Unit: 2627

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a recess in Takagi's cosmetic bezel to receive the cosmetic screen, as taught by Kan-o, because, by providing this recess, the cosmetic screen has a definite location within the bezel, therefore, ensuring that cosmetic screen will be held in the proper place at all times. This will ensure that the screen is always performing the proper function, rather than becoming dislodged.

Regarding claims 11 and 24, Takagi discloses the features of base claims 1 and 14 as stated in the 102 rejection above and stated in the 103 rejection below, but fails to specifically disclose:

A cosmetic bezel, which includes a cosmetic screen, that performs at least one of minimizing contaminants into the optical disk drive and wiping the optical disk as the optical disk is being inserted into the optical drive.

Kan-o discloses:

A cosmetic bezel, which includes a cosmetic screen, that performs at least one of minimizing contaminants into the optical disk drive and wiping the optical disk as the optical disk is being inserted into the optical drive (column 5, lines 45 & 46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Sugita et al with a cosmetic screen that prevents dust, as taught by Kan-o, because this will ensure a clean surface of the optical medium, which will allow the disc to be read clearly and is thus an accurate signal is provided.



Regarding claims 13 and 14, Takagi discloses the features of base claim 12 as stated in the 102 rejection above, but Takagi fails to specifically disclose:

A cosmetic screen disposed between the functional bezel and a cosmetic bezel, the cosmetic screen fixedly attached to the cosmetic bezel.

The combination of Takagi and Kan-o would have placed the cosmetic screen of Kan-o between the functional bezel and the cosmetic bezel of Takagi, therefore claim 13 is met by the combination of Takagi and Kan-o.

Regarding claim 15, Takagi discloses the features of claim 15 that are in common with the features previously disclosed in claim 1, as stated in the 102 rejection above, therefore, claim 15 is met on the same basis.

Regarding claim 16, Takagi discloses the features of claim 16 that are in common with the features previously disclosed in claim 2, as stated in the 102 rejection above, therefore, claim 16 is met on the same basis.

Regarding claims 17 & 18, Takagi discloses the features of claims 17 & 18 that are in common with the features previously disclosed in claim 4, as stated in the 102 rejection above, therefore, claims 17 & 18 are met on the same basis.

Regarding claim 19, Takagi discloses the features of claim 19 that are in common with the features previously disclosed in claim 6, as stated in the 102 rejection above, therefore, claim 19 is met on the same basis.

Regarding claim 20, Takagi discloses the features of claim 20 that are in common with the features previously disclosed in claim 7, as stated in the 102 rejection above, therefore, claim 20 is met on the same basis.

6. Claims 5, 8 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi, in view of Selby et al (US Patent Number 5793728).

Regarding claim 5, Takagi discloses the features of base claim 1 as stated in the 102 rejection above, but fails to specifically disclose:

Wherein the functional bezel includes a plurality of mounting points for mounting the functional bezel to various configuration of various optical drives.

Selby discloses:

Wherein the functional bezel includes a plurality of mounting points for mounting the functional bezel to various configuration of various optical drives (figure 3, item 10 has a variety of pins and holes for mounting).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the bezel of Takagi with a variety of mounting points, as taught by Selby, because this will allow the bezel to be mounted to a variety of configurations of optical drives.

Regarding claims 8 and 34, Takagi discloses the features of base claims 1 and 25 as stated in the 102 rejection above, but fails to specifically disclose:

A disk guide that includes a ramp feature to point the optical disk down into the optical drive during injection and to point the optical disk up during ejection.

Selby discloses:

A disk guide (figure 4, item 46) that includes a ramp feature (figure 4, item 48) to point the optical disk down into the optical drive during injection and to point the optical disk up during ejection (columns 3 & 4, lines 44-56 & 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a ramp feature on the disk guide of Takagi, as taught by Selby, because this ramp feature will direct the disk in the right direction so that it will not be misinserted into the disk drive, as mentioned in columns 3 & 4, lines 44-56 & 1-7.

7. Claim 10, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi, in view of Sugita et al (US Patent Number 6931649).

Regarding claims 10, 35 and 36, Takagi discloses the features of base claims 1 and 25 as stated in the 102 rejection above, but fails to specifically disclose:

Wherein the second opening in the cosmetic bezel (figure 3, item 11) is larger than the first opening in the functional bezel (figure 4, item 19) to facilitate injection or ejection of the optical disk (11 is larger than 19 to facilitate injection) and the functional bezel facilitates slot loading of the optical disk into the optical drive (the optical disk drive is slot loading).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Takagi with the functional bezel slot to be smaller than the cosmetic bezel slot, as taught by Sugita, because the slot will become

Art Unit: 2627

larger on the inside, which allows for more room on the inside and will further help in prevent the disc from being accidentally ejected.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi and Kan-o, as applied to claim 14 above, and further in view of Selby et al.

Regarding claim 21, Takagi and Kan-o disclose the features of base claim 14 as stated in the 103 rejection above, but fail to specifically disclose the features of claim 21 that are in common with the features previously disclosed in claim 8. Selby discloses the features of claim 21 that are previously disclosed in claim 8 as stated in the 103 rejection above, therefore, claim 21 is met on the same basis.

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi and Kan-o, as applied to claim 14 above, and further in view of Sugita et al.

Regarding claim 23, Takagi and Kan-o disclose the features of base claim 14 as stated in the 103 rejection above, but fail to specifically disclose the features of claim 23 that are in common with the features previously disclosed in claim 10. Sugita discloses the features of claim 23 that are previously disclosed in claim 10 as stated in the 103 rejection above, therefore, claim 23 is met on the same basis.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

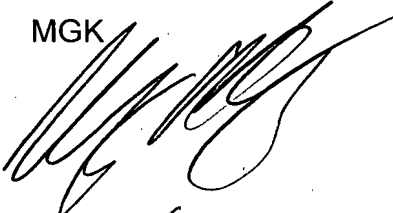

Art Unit: 2627

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

10/13/2007

MGK

  
10/13/07  
BRIAN E. MILLER  
Primary Examiner AV 2627